

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Carter	Team: Squad #3	CCRB Case #: 201807743	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/16/2018 3:57 PM	Location of Incident: 880 Coney Island Avenue	Precinct: 66	18 Mo. SOL 3/16/2020	EO SOL 3/16/2020	
Date/Time CV Reported Tue, 09/18/2018 11:04 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 09/18/2018 11:04 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Melidones	00870	961943	070 PCT
2. POM Glen Alava	18809	949977	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Vazquez	20393	959337	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Glen Alava	Abuse: Police Officer Glen Alava searched the vehicle in which § 87(2)(b) was an occupant.	
B.POM Glen Alava	Abuse: Police Officer Glen Alava threatened § 87(2)(b) with the use of force.	
C.POM Anthony Melidones	Discourtesy: Police Officer Anthony Melidones acted discourteously toward § 87(2)(b)	

Case Summary

On September 18, 2018, § 87(2)(b) filed this complaint with the CCRB online (**01 Board Review**).

On September 16, 2018, at approximately 3:57 p.m., § 87(2)(b) was pulled over in his vehicle by PO Anthony Melidones, PO David Vazquez, and PO Glen Alava from the 70th Precinct. PO Alava grabbed § 87(2)(b)'s license and registration from his lap while he was still inside of the car (**Allegation A – Abuse of Authority, § 87(2)(g)**). PO Alava opened § 87(2)(b)'s door and said, “Did you know I could shoot you right now?” (**Allegation B – Abuse of Authority, § 87(2)(g)**). When PO Melidones issued § 87(2)(b) his summons, he flicked them at § 87(2)(b)'s head (**Allegation C – Discourtesy, § 87(2)(g)**). § 87(2)(b) was issued a summons for § 87(2)(b) and a summons for § 87(2)(b) (**09 Board Review**). Only the summons for § 87(2)(b) was received from IAB.

This case contains video evidence which does not contain FADO allegations (**02, 03 Board Review**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Glen Alava searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Glen Alava threatened § 87(2)(b) with the use of force.

§ 87(2)(b) stated that on September 16, 2018 at approximately 3:57 p.m., he exited the McDonald's parking lot at 880 Coney Island Avenue in Brooklyn (**04 Board Review**). § 87(2)(b) was forced to edge out of the parking lot by cars which were parked near the exit. A marked police vehicle coming from the right came to a complete stop to allow § 87(2)(b) to exit the parking lot. As he exited the parking lot, § 87(2)(b) was pulled over by the same police car.

§ 87(2)(b) stated that one officer approached his driver's side window, another went to his front passenger's side window, and another stood at the rear passenger's side door. The officers were rude and began shouting immediately upon approaching § 87(2)(b) whose demeanor was respectful and calm. An officer requested § 87(2)(b)'s license and registration. § 87(2)(b) kept his hands in his lap and asked the officers why they had pulled him over. One officer told § 87(2)(b) that he was not supposed to exit the McDonald's by making a left, and another told him that he had crossed a double yellow line in the road. § 87(2)(b) insisted that he needed a proper explanation as to why the officers had stopped him because they were giving him conflicting responses. An officer requested the license and registration again. § 87(2)(b) retrieved his license and registration from his glove compartment slowly, and reached for his wallet. An officer grabbed § 87(2)(b)'s registration from his hand, which was in his lap. § 87(2)(b) asked why the officer was doing this, and the officer asked him, “You're not hearing me? Do you know I could shoot you right now?” § 87(2)(b) told the officers that he was feeling unwell, and an ambulance arrived approximately 15 minutes later. § 87(2)(b)'s blood pressure and heartbeat were measured by EMTs who arrived.

PO Melidones, PO Vazquez, and PO Alava were consistent in stating that § 87(2)(b) exited via the entrance of the parking lot, travelled across the northbound lane of traffic on Coney Island Avenue, and crossed a median with double yellow lines, eventually pulling into the southbound lane (**05, 06, 07 Board Review**). Each officer stated that § 87(2)(b) almost caused an accident in doing so, and that the officers had to stop their vehicle abruptly to avoid § 87(2)(b)'s car. Officers explained the reason for the car stop to § 87(2)(b) and requested his information. § 87(2)(b) repeatedly asked for the officers' reason for stopping him, and did not provide his information. Eventually, each officer had walked to § 87(2)(b)'s window, explained the traffic stop, and requested § 87(2)(b)'s information more than once.

PO Melidones stated that § 87(2)(b) retrieved his registration and held it in his hand (**05 Board Review**). § 87(2)(b) gestured with his hand as if to give it to the officers, and PO Melidones took it out of his hand. § 87(2)(b) said, "I wasn't giving it to you, why did you take that?" PO Melidones could not recall if § 87(2)(b)'s hand was inside or outside of the vehicle when he took the registration.

PO Alava stated that he approached § 87(2)(b)'s window after PO Vazquez and PO Melidones approached § 87(2)(b) and repeatedly asked for his registration (**07 Board Review**). When PO Alava reached § 87(2)(b) he had his registration in his hand. § 87(2)(b) made a motion to hand the document to the officers by extending his arm in PO Alava's direction. PO Alava took the registration from § 87(2)(b)'s hand. § 87(2)(b) was angered by this, and asked PO Alava why he had taken the document from him. PO Alava told § 87(2)(b) that he had given the registration to him.

PO Vazquez stated that § 87(2)(b) held his registration in his left hand and waved his hands around (**06 Board Review**). The officers asked § 87(2)(b) to give them his registration, since he already had it in his left hand. § 87(2)(b) then held his hand out and gave the registration to the officers. § 87(2)(b)'s hand was extended away from the side of his body toward the officers, who were two to three feet away from him. PO Vazquez did not recall whether the registration was inside or outside of the vehicle when it was taken by officers. PO Vazquez did not take the registration himself, but did not recall which officer did so. PO Vazquez could not recall which officer opened § 87(2)(b)'s car door.

Both PO Melidones and PO Alava stated that PO Alava opened § 87(2)(b)'s car door. Both PO Melidones and PO Vazquez stated that they took § 87(2)(b)'s documentation from him. Allegation A is plead against PO Alava because § 87(2)(b) stated in his interview that the officer who grabbed his documents was the same officer who opened his car door and threatened him with force.

All three officers denied asking § 87(2)(b) "Did you know I could shoot you right now?"

Each officer stated that after § 87(2)(b)'s door was opened, he began to complain of chest pain. EMS was called to the scene immediately.

§ 87(2)(b)'s cell phone footage does not show an officer grabbing § 87(2)(b)'s documents or threatening him with the use of force (**02, 03 Board Review**). It does show the officers repeatedly asking § 87(2)(b) for his documents. § 87(2)(b) does not provide his documents, and repeatedly asks for a clear reason as to why the officers stopped him, even after the officers tell him why.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (C) Discourtesy: Police Officer Anthony Melidones acted discourteously towards

§ 87(2)(b)

§ 87(2)(b) stated that PO Melidones approached him and issued two summonses by flicking them at his head. One summons fell into § 87(2)(b)'s lap, and another fell on the ground.

PO Melidones and PO Vazquez were consistent in their statements that § 87(2)(b) was uncooperative in receiving the summonses from PO Melidones, and refused to acknowledge them when they were issued.

PO Melidones stated that § 87(2)(b) would not take the summonses from his hand, forcing him to place the summonses into § 87(2)(b)'s passenger's seat. § 87(2)(b) then threw the summonses on the ground outside of his car.

PO Alava stated that he returned to the rear of § 87(2)(b)'s car to speak with EMTs, and did not recall when the summonses were issued. He did not see any summonses on the ground.

PO Melidones and PO Alava both wrote that multiple summonses were issued to § 87(2)(b) in their memo books (**08 Board Review, 11 Board Review**).

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party.
- PO Melidones has been a member of service for two years, and this is the first complaint to which he has been a subject.
- PO Alava has been a member of service for seven years, and this is the first complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- On September 27, 2018, this case was sent to mediation. On October 30, 2018, the case was returned for an investigation after members of service rejected mediation.
- As of December 26, 2018, a FOIL request for a notice of claim regarding this incident is pending, and will be added to the case file upon receipt.
- § 87(2)(b) does not have a history of arrest, according to a BADS search made on December 26, 2018.

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date